

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

Case No. 1:22-MJ-626 (DJS)

OTMANE KHALLADI,)

Defendant.)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the dates of April 23-26, 2019, in the county of Albany in the Northern District of New York, and elsewhere, the defendant violated:

Code Section

Title 18, United States Code,
Section 1956(a)(1)(B)(i), (h)

Offense Description

Money laundering conspiracy

This criminal complaint is based on these facts:
Please see attached affidavit.

☒ Continued on the attached sheet.

Mark DeLuca
Complainant's signature

IRS-CI Special Agent Mark DeLuca

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal

Procedure. Date: October 19, 2022

Daniel J. Stewart
Judge's signature

City and State: Albany, New York

Hon. Daniel J. Stewart, U.S. Magistrate Judge

Printed name and title



Affidavit in Support of a Criminal Complaint

Special Agent Mark Deluca, of Internal Revenue Service-Criminal Investigation (IRS-CI),
being duly sworn, deposes and states:

Introduction

1. I respectfully make this affidavit in support of a criminal complaint charging Otmane Khalladi with conspiring to launder drug trafficking proceeds in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i), (h).

2. I have been employed as a Special Agent with IRS-CI for about 15 years. I am assigned to the New York Field Office with a post of duty in Albany, New York. I currently work full time with Special Agents and Task Force Officers of the Drug Enforcement Administration (DEA), Albany District Office. I am responsible for, among other things, conducting and assisting with investigations into various criminal activities to include tax-related fraud, wire fraud, mail fraud, and money laundering.

3. The facts in this affidavit come from my personal observations, my training and experience, my and others' analysis of various categories of records and information, and information obtained from other law enforcement officers. The information contained in this affidavit is not an exhaustive account of everything I know about Khalladi. Rather, it contains only the facts that I believe are necessary to establish probable cause in support of a criminal complaint. Where statements of others are related in this affidavit, they are related in substance and in part.

Criminal Charge

4. Title 18, United States Code, Section 1956(a)(1)(B)(i) states in pertinent part as follows:

(a) (1) Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity—

...

(B) knowing that the transaction is designed in whole or in part—

(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; ...

... [commits a felony].

5. A conspiracy to violate this statute is chargeable by Title 18, United States Code, Section 1956(h).

6. Specified unlawful activity includes the distribution of controlled substances, and conspiring to distribute and possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Sections 846, 841(a)(1). Marijuana is a Schedule I controlled substance.

Basis for a Finding of Probable Cause

7. In 2019, a DEA Undercover Agent (“UC1”) infiltrated a money laundering organization that, among other things, arranged for the cash proceeds of marijuana sales in the United States to be transferred back to Canada, where much of the marijuana had originated. UC1 held himself out as a money launderer who resided in northern New York, approximately three hours north of Albany.

8. On April 23, 2019, UC1 was contacted via text message by someone calling himself “Marco” and using a (954) area-coded number; the following day, April 24, UC1 was contacted again by a “Marco,” this time from a (786) area-coded number. “Marco” asked UC1 if

UC1 could come to New York City to pick up a quantity of cash. UC1 told "Marco" that because he resided three hours north of Albany, the pickup point would have to be about halfway between there and New York City, specifically the Albany area.

9. Later on April 24, UC1 received a phone call from "Marco" from the (786) number; the phone call was recorded. "Marco" asked if UC1 would also be coming to Los Angeles to pick up a quantity of cash there. UC1 stated that he was working on Los Angeles but wanted to complete the Albany drop-off first. UC1 then stated he was talking to people on two phones each claiming they were "Marco." UC1 asked if the two "Marcos" were the same. "Marco" replied "yes, yes, yes for both it's me. I'm the same Marco." UC1 and "Marco" then discussed arranging a money drop-off at a location in Albany County. "Marco" said he would need to find someone to drive the money up to Albany, and UC1 said he would send his "girl" down to meet that person. "Marco" then told UC1 the amounts that needed to be picked up in Albany (\$54,500.00) and in Los Angeles (\$215,000.00). "Marco" told UC1 that his guy would be in Albany in about 4 hours.

10. Approximately 4 hours later on April 24, 2019, at the prearranged Albany County location, a Postal Inspector acting in an undercover capacity ("UC2") made contact with a man whom agents were subsequently able to identify. The man handed to UC2 a plastic bag containing \$54,500.00. "G," a drug odor detection dog, who at the time was certified to detect the odor of marijuana and other drugs, reacted in a positive manner to the currency, indicating the presence of a drug odor. At the time, "G" and Albany County Sheriff's Deputy Brandon Souza were certified by the State of New York Division of Criminal Justice Services Municipal Police Training Council. At the time, "G" was certified to detect the presence of the odor of marijuana, cocaine, cocaine base, methamphetamines, MDMA, and heroin.

11. On April 26, 2019, UC1 and “Marco” arranged for money to be picked up in the Los Angeles area. UC1 gave “Marco” the phone number of a California police officer acting in an undercover capacity (“UC3”), and UC3 then received phone calls from someone who sought to arrange a money drop-off in the Los Angeles area. UC3 told this person that he could meet at a location in Hawthorne, California. UC3 then received a text message from the same (786) number that “Marco” had used to contact UC1. The text message stated, “Send me the address.” UC3 texted back the address of the location in the city of Hawthorne (a parking lot for a large store) where the money could be dropped off. For the next 90 minutes, UC3 and the person using the (786) number texted back and forth regarding the person’s late arrival due to traffic.

12. At approximately 3 p.m. (Los Angeles time) on April 26, 2019, UC3 received a text from the (786) number that indicated that the sender had arrived. UC3 gave the person a description of his truck and the person texted back, “You will see me in 2 minutes.” Their subsequent meeting was video recorded (there is video, but not audio).

13. A white Maserati parked in front of UC3’s vehicle. A man, later identified as Khalladi, exited the Maserati’s front passenger door carrying a plastic grocery bag. Khalladi walked over to UC3’s front passenger door, opened it, and entered the vehicle. According to UC3, Khalladi apologized for being late due to traffic. Khalladi handed the grocery bag to UC3. UC3 looked inside the bag and asked Khalladi how much money was in the bag. Khalladi replied there’s \$215,000 and requested the dollar bill with the serial numbers that was provided by UC1, as a means of verifying UC3’s identity to Khalladi. UC3 told Khalladi that he did not have the dollar bill, but had the serial number, F04078690, from that bill. Khalladi then appeared to text the serial number to someone to verify. Khalladi said everything was good and exited UC3’s vehicle. Khalladi walked back to the Maserati.

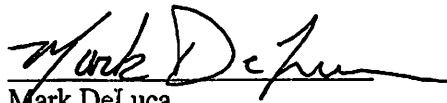
14. Surveillance units then followed the Maserati out of the parking lot where the meeting occurred, and subsequently initiated a traffic stop. They then identified the driver as Khalladi.

15. At the direction of members of the money laundering organization (not Khalladi), UC1 then arranged for much of the cash picked up on April 24, 2019 and April 26, 2019, in Albany County and Hawthorne, California, respectively, to be transferred to destinations in Canada specified by members of the organization.

Conclusion

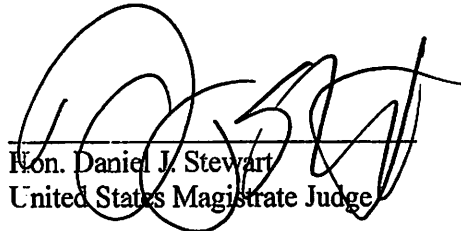
16. I respectfully submit that this affidavit supports probable cause for a criminal complaint charging Otmane Khalladi with conspiring to launder drug trafficking proceeds in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i), (h).

Attested to by the affiant:



Mark DeLuca
Special Agent
Internal Revenue Service-Criminal Investigation

I, the Hon. Daniel J. Stewart, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on October 19, 2022 in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.



Hon. Daniel J. Stewart
United States Magistrate Judge